REMARKS

This responds to the Office Action mailed on July 5, 2006.

Claims 1, 9, 11-12, 16, 21-24 are amended, and claim 29 is added; claims 2-8 and 13-14 are canceled; as a result, claims 1, 9-12 and 15-29 are now pending in this application. The basis for the amendments may be found, for example, at page 4 lines 3-10 and 17-24.

§102 Rejection of the Claims

Claims 1 and 9-10, 15-19, 21-26 and 28 were rejected under 35 U.S.C. § 102(e) for anticipation by Levy et al. (U.S. 6,505,160).

Levy discloses systems and processes for linking audio and other media objects to metadata and actions, via an identifier, to provide so-called linked objects. In order to activate a linked object, a decoding process extracts the identifier and uses it to access associated data or actions. The decoding process *forwards the extracted identifier to a communication application, which in turn, forwards it to a server* (Levy, 4: 20-44). Levy further discloses a plug-in software module in a software player *extracting the ID of the media object and forwarding the ID of the media object to a server* (Levy, 6: 29-37). At column 12, Levy discloses various ways to include an identifier with the associated content and ways to extract the identifier utilizing a decoding process. However, there is no indication in Levy that a decoding process to determine an identifier is ever being performed at the server. On the contrary, *the techniques in Levy rely on a server being provided with a content identifier, where the determining of the identifier is performed away from the server* (e.g., at a client system). (Levy, 4: 20-44.)

Furthermore, because in Levy an identifier associated with content is always being determined by a process that is performed outside of a server, so that an identifier associated with content is always being provided to a server, Levy, in fact, teaches away from processing, **at a server**, a portion of a content item in order to determine an identifier associated with the content.

In contrast, claim 1, as amended, recites receiving, at a server, a portion of a content item that is distinct from an identifier associated with the content item and determining, at the server, an identifier associated with the content from the received portion of that content. Specifically, claim 1 recites "receiving, at a server system, a portion of the content item from a client system, the received portion of the content item being distinct from an identifier associated with the content item" and "processing, at a server system, the received portion of the content item to determine, from the received portion of the content item, the identifier associated with the content item."

Because Levy fails to disclose or suggest each and every element of claim 1, and in fact teaches away from the features of claim 1, claim 1 and its dependent claim are patentable and should be allowed.

Claim 9, as amended, recites a server system "to receive a portion of the content item from a client system, the received portion of the content item being distinct from an identifier associated with the content item" and "to process the received portion of the content item to obtain determine, from the received portion of the content item, the identifier associated with the content item." Thus, claim 9 and its dependent claims are patentable for at least the reasons articulated above with respect to claim 1.

Claim 11, as amended, recites "receiving, at a server system, a media object, the media object being distinct from an identifier for the media object; calculating a hash for the received media object" and "processing, at a server system, the media object to determine an the identifier for the media object utilizing the calculated hash value." Thus, claim 11 and its dependent claims are patentable for at least the reasons articulated above with respect to claim 1.

Claim 22, as amended, recites a machine-readable medium having stored thereon data representing sets of instructions which, when executed by a machine, cause the machine to "receive, at a server system, a portion of the content item from a client system, the received portion of the content item being distinct from an identifier associated with the content item a portion of the content item from a client system" and "process, at a server system, the received

portion of the content to determine, from the received portion of the content item, the identifier associated with the content item." Thus, claim 22 is patentable for at least the reasons articulated above with respect to claim 1.

§103 Rejection of the Claims

Claims 11-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Levy in view of Herz et al. (U.S. 20010014868).

Claims 20 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Levy in view of Herz et al.

The Office action correctly stated that Levy fails to disclose or suggest transmitting an offer to sell. The Office action cited Herz to show this feature. Herz is directed at a system for the automatic determination of customized prices and promotions (Herz, Title). Although Herz discloses offering a coupon for a related item responsive to a completion of a sale (Herz, P 267, 268, 270), Herz, whether considered separately or in combination with Levy, fails to disclose or suggest transmitting an electronic offer to sell **in response to the receiving of the media object utilizing the determined identifier**, as recited in claim 11.

Thus, because the combination of Levy and Herz fails to disclose or suggest each and every element of claim 11, claim 11 and its dependent claim12 are patentable and should be allowed.

Claims 20 and 27 recite an offer to sell being a portion of the further information that is to be transmitted to the client system. Thus, claims 20 and 27 are patentable in view of the combination of Levy and Herz and should be allowed for at least the reasons articulated with respect to claim 11.

Furthermore, as discussed above, Levy, fails to disclose or suggest "receiving, at a server system, a portion of the content item from a client system, the received portion of the content item being distinct from an identifier associated with the content item" and "processing, at a

server system, the received portion of the content item to determine, from the received portion of the content item, the identifier associated with the content item," as recited in claim 1. Levy also fails to disclose or suggest, as discussed above, a server system "to receive a portion of the content item from a client system, the received portion of the content item being distinct from an identifier associated with the content item" and "to process the received portion of the content item to obtain determine, from the received portion of the content item, the identifier associated with the content item," as recited in claim 9.

Herz, whether considered separately or in combination with Levy, fails to disclose or suggest these features. Thus, claims 20 and 27 are patentable in view of the combination of Herz and Levy also by virtue of their being dependent on claims 1 and 9 respectively.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney 408-278-4052 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 5 day of October 2006.

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